

Modification of Minister's Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Public Spaces, under the Instrument of Delegation executed on 11 October 2017, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions outlined in Schedule 2.

Sydney

2019

File: EF17/14214

SCHEDULE 1

Project Approval (MP 06_0052), granted by the former Minister for Planning on 27 February 2007, as modified by MP 06_0052 MOD 1 for Chester Hill Resource Recovery Facility at 191 Miller Road, Chester Hill in the Canterbury-Bankstown local government area.

SCHEDULE 2

This approval is modified as follows:

1. Delete the definitions for DECC, Director-General and Proponent and insert the following definitions in alphabetical order:

AQMP	Air Quality Management Plan
CDWMP	Construction and Demolition Waste Management Plan
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
Conditions of this approval	Conditions contained in Schedules 2 to 4 of this approval
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this approvalpurpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this approval
Council	Canterbury-Bankstown Council
Department	Department of Planning, Industry and Environment
Development	The development described in the modification application titled <i>Modification for the Upgrade of the Chester Hill Resource Recovery Facility (MP_0052)</i> dated 12 November 2018 prepared by SG Haddad Advisory and CW Strategic Planning Services and Response to Submissions titled <i>Upgrade of the Chester Hill Resource Recovery Facility (MP_0052)</i> dated 16 February 2019 prepared by SG Haddad Advisory and CW Strategic Planning Services
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
ENM	Excavated Natural Material

Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	New South Wales Environment Protection Authority
EPL	Environment Protection Licence
Evening	The period from 6 pm to 10 pm
FSS	Fire Safety Study
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this project approval</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
MOD 3 EA	Environmental Assessment titled <i>Modification for the Upgrade of the Chester Hill Resource Recovery Facility (MP_0052)</i> dated 12 November 2018 prepared by SG Haddad Advisory and CW Strategic Planning Services
MOD 3 RtS	Response to Submissions titled <i>Upgrade of the Chester Hill Resource Recovery Facility (MP_0052)</i> dated 16 February 2019 prepared by SG Haddad Advisory and CW Strategic Planning Services
Modification Assessments	The document assessing the environmental impact of a proposed modification of this project approval and any other information submitted with the following modification applications made under the EP&A Act: (a) Modification Application MP 06_0052 MOD 1 and accompanying document titled <i>Environmental Assessment Report for Modification of the Chester Hill Materials Recycling Facility (06_0053 MOD1) to include the Recycling of Additional Types of Material</i> dated February 2009 prepared by Moody & Doyle (b) Modification Application MP 06_0052 MOD 2 and accompanying document titled <i>Environmental Assessment for Containers</i> dated August 2011 prepared by Aargus Pty Ltd and Response to Submissions dated 19 December 2011 prepared by Always Recycling Pty Ltd (c) Modification Application MP 06_0052 MOD 3 and accompanying document titled <i>Modification for the Upgrade of the Chester Hill Resource Recovery Facility (MP_0052)</i> dated 12 November 2018 prepared by SG Haddad Advisory and CW Strategic Planning Services and Response to Submissions titled <i>Upgrade of the Chester Hill Resource Recovery Facility (MP_0052)</i> dated 16 February 2019 prepared by SG Haddad Advisory and CW Strategic Planning Services
Monitoring	Any monitoring required under this project approval must be undertaken in accordance with section 9.40 of the EP&A Act
NCC	National Construction Code
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-Compliance	An occurrence, set of circumstances or development that is a breach of this project approval

OEMP	Operational Environmental Management Plan
OTMP	Operational Traffic Management Plan
OWMP	Operational Water Management Plan
PCA	Principal Certifying Authority
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Proponent	Builders Recycling Operations Pty Ltd
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
RMS	NSW Roads and Maritime Services
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Directory to the POEO Act
Water Group	Water Group of the Department of Planning, Industry and Environment
Year	A period of 12 consecutive months

2. Delete all references to "DECC" and replace with "EPA".
3. Delete all references to "Director-General" and replace with "Planning Secretary".

In Schedule 2: Administrative Conditions

4. Delete Condition 1 and replace with the following:
 1. In addition to meeting the specific performance measures and criteria in this approval, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this approval.
5. Delete Condition 2 and replace with the following:
 2. The development may only be carried out:
 - (a) in accordance with the conditions of this approval;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EA;
 - (d) in accordance with Modification Assessments; and
 - (e) in accordance with the Development Layout in Appendix 1.
6. Delete Condition 3 and replace with the following:
 3. Consistent with the requirements of this approval, the Planning Secretary may make written direction to the Proponent in relation:
 - (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this approval, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition 3a).
7. Delete Condition 4 and replace with the following:
 4. The Proponent must not:
 - (a) process more than 250,000 tonnes of construction and demolition waste per year at the site; and
 - (b) store more than 30,000 tonnes of waste at any one time.
8. Insert new Condition 5 immediately after Condition 4 as follows:

5. The only type of waste permitted to be received or processed on the premises is waste classified as general solid waste (non-putrescible).
9. Insert new Condition 6 immediately after Condition 5 as follows:
 6. All asbestos, gas bottles, fire extinguishers, batteries and other non-conforming wastes not permitted to be received on site must be placed in a designated quarantine area, as described in the MOD 3 EA and MOD 3 RtS and removed from site to a waste management facility or premises lawfully permitted to accept the materials.
10. Delete Condition 9 and replace with the following:
 9. Unless the Proponent and the applicable authority agree otherwise, the Proponent must:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.
11. Insert new Condition 9a immediately after Condition 8 as follows:
 - 9a Before the commencement of construction of the MOD 3 development, the Proponent must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
12. Delete Condition 10 and replace with the following:
 10. The Proponent must ensure that all plant and equipment used at the site is:
 - (a) maintained in a proper and efficient condition, and
 - (b) operated in a proper and efficient manner.
13. Delete Condition 11 and replace with the following:
 11. The date of commencement of each of the following phases of the MOD 3 development must be notified to the Department in writing, at least one month before the date:
 - (a) construction;
 - (b) operation;
 - (c) cessation of operations; and
 - (d) decommissioning.
14. Insert new Conditions 12 to 30 immediately after Condition 11 as follows:
 12. If the construction or operation or decommissioning of the MOD 3 development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Evidence of Consultation

13. Where conditions of this approval require consultation with an identified party, the proponent must:
 - (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Proponent and how the Proponent has addressed the matters not resolved.

Staging, Combining and Updating Strategies, Plans or Programs

14. With the approval of the Planning Secretary, the Proponent may:
 - (a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the

strategy, plan or program applies, the relationship of the stage to any future stages and the triggers for updating the strategy, plan or program);

- (b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
15. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.
16. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous version of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

Compliance

17. The Proponent must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the development.

External Walls and Cladding

18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the National Construction Code (NCC).
19. Before the issue of a Construction Certificate and an Occupation Certificate, the Proponent must provide the Principal Certifying Authority (PCA) with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC.
20. The Proponent must provide a copy of the documentation given to the PCA to the Planning Secretary within seven days after the PCA accepts it.

Utilities and Services

21. Before the construction of any utility works associated with the MOD 3 development, the Proponent must obtain relevant approval from service providers.
22. Before the commencement of operation of the MOD 3 development, the Proponent must obtain a Compliance Certificate for water and sewerage infrastructure of the site under section 73 of the *Sydney Water Act 1994*.
23. Before the commencement of construction of the MOD 3 development, the Proponent must submit an estimated water demand for the development and a plan showing each new structure with proposed water connection points to Sydney Water's existing main to the satisfaction of Sydney Water.
24. Before the commencement of construction of the MOD 3 development, the Proponent must submit an estimated sewer demand for the development and a plan showing each new structure with proposed sewer connection points to Sydney Water's existing sewer to the satisfaction of Sydney Water.
25. Before the commencement of operation of the MOD 3 development, should the development generate trade waste water, the Proponent must obtain a permit to discharge the trade waste water to Sydney Water's sewage system from Sydney Water.

Works as Executed Plans

26. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the PCA.

Applicability of Guidelines

27. References in the conditions of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this approval.
28. However, consistent with the conditions of this approval and without altering any limits or criteria in this approval, the Planning Secretary may, when issuing directions under this approval in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Advisory Notes

29. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this approval removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Development Contribution

30. Before the issue of a construction certificate for any part of the MOD 3 development, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

In Schedule 3: Specific Environmental Performance

15. Delete Schedule 3 Specific Environmental Performance and replace with the following:

SCHEDULE 3

SPECIFIC ENVIRONMENTAL PERFORMANCE

TRAFFIC AND ACCESS

Construction Traffic Management Plan

1. Prior to the commencement of construction of the MOD 3 development, the Proponent must prepare a Construction Traffic Management Plan (CTMP) for the development to the satisfaction of the Planning Secretary. The CTMP must form part of the CEMP required by condition 2 of Schedule 4 of this approval and be prepared in accordance with condition 1 of Schedule 4 of this approval. The CTMP must:
 - (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with Council;
 - (c) detail a construction program including but not limited to the anticipated construction duration and any staging of construction activities;
 - (d) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (e) detail heavy vehicle routes, access and parking arrangements;
 - (f) detail employee vehicle access and parking arrangements;
 - (g) detail temporary pedestrian access during construction;
 - (h) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes which excludes Gurney Road;
 - (i) include a program to monitor the effectiveness of these measures; and
 - (j) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
2. The Proponent must:
 - (a) not commence construction until the CTMP required by condition 1 of Schedule 3 of this approval is approved by the Planning Secretary; and
 - (b) implement the most recent version of the CTMP approved by the Planning Secretary for the duration of construction.

Operational Traffic Management Plan

3. Prior to the commencement of operation of the MOD 3 development, the Proponent must prepare an Operational Traffic Management Plan (OTMP) for the Development to the satisfaction of the Planning Secretary. The OTMP must form part of the OEMP required by condition 5 of Schedule 4 of this approval and be prepared in accordance with condition 1 of Schedule 4 of this approval. The OTMP must:
 - (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with Council;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency including:

- (i) ensuring no queuing or parking of vehicles occur on Miller Road or the surrounding road network;
 - (ii) ensuring heavy vehicle routes do not include the use of Gurney Road;
 - (iii) redirecting incoming trucks to other facilities to prevent traffic build-up and queuing on Miller Road; and
 - (iv) prioritising the removal of processed waste and residual waste outside of the road network and facility peak hours;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise;
 - (iv) ensure truck drivers use specified haul routes which avoid Gurney Road; and
 - (v) include a program to monitor the effectiveness of these measures; and
 - (f) include a Traffic Control Plan detailing:
 - (i) the on-site measures to be implemented to control the manoeuvring of vehicles in designated areas, including front-end loaders within the waste processing and storage building; and
 - (ii) installation of way-finding signage and line marking.
4. The Proponent must:
- (a) not commence operation until the OTMP required by condition 3 of Schedule 3 of this approval is approved by the Planning Secretary; and
 - (b) implement the most recent version of the OTMP approved by the Planning Secretary for the duration of operation.

Operating Conditions

5. The Proponent must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
 - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
 - (c) the development does not result in any vehicles queuing on the public road network;
 - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (e) all vehicles are wholly contained on site before being required to stop;
 - (f) all loading and unloading of materials are carried out on-site;
 - (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
 - (h) the proposed turning areas on site are kept clear of any obstacles, including parked cars, at all times.
6. The Proponent must apply to Council's Traffic Committee for a No Stopping Zone on Miller Road extending from the site access to the north by 50 metres at no cost of Council. Should the application approved by the Council's Traffic Committee, the Proponent must establish the No Stopping Zone prior to the commencement of operation.
7. The Proponent must apply to Council's Traffic Committee for a 'No Left Turn – Vehicles 12.5 metres or smaller excepted' sign at a location opposite the existing driveway and inside the site's boundary at no cost of Council. Should the application approved by Council's Traffic Committee, the Proponent must erect the sign prior to the commencement of operation.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

8. The Proponent must:
 - (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Department upon request.

Erosion and Sediment Control

9. Prior to the commencement of any construction or other surface disturbance for the MOD 3 development, the Proponent must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition 2 of Schedule 4 of this approval.

Discharge Limits

10. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Management System

11. Prior to the commencement of operation of the MOD 3 development, the Proponent must design and install a stormwater management system for the development. The system must:
 - (a) be designed by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) be generally in accordance with the conceptual design in the EA;
 - (c) be in accordance with applicable Australian Standards;
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
 - (e) divert existing clean surface water around operational areas of the site;
 - (f) direct all sediment laden water in overland flow away from the leachate management system; and
 - (g) prevent cross-contamination of clean and sediment or leachate laden water.

Leachate and Firewater

12. Prior to the commencement of operation of the MOD 3 development, the Proponent must appoint a licensed liquid waste disposal operator to collect and dispose of contaminated leachate and firewater. Evidence of the appointment must be provided to the Planning Secretary.
13. Any collected contaminated leachate and firewater must be disposed off-site at a licensed premise that can lawfully accept and process that waste.
14. After the first 12 months of operation of the MOD 3 development, the Proponent must investigate the need to design and install an alternative system to capture, contain and dispose of contaminated leachate and firewater. Should an alternative system be required, the Proponent must design the system in consultation with the EPA and FRNSW and to the satisfaction of the Planning Secretary.

Wheel Wash Bay

15. The Proponent must construct a closed water management system for the existing wheel wash bay. The system should be designed to capture all runoff, sediment, sludge and leachate from the wheel wash bay and be disposed of to a facility that can lawfully receive that waste.

Operational Water Management Plan

16. Prior to the commencement of operation of the MOD 3 development, the Proponent must prepare an Operational Water Management Plan (OWMP) to the satisfaction of the Planning Secretary. The OWMP must form part of the OEMP required by condition 5 of Schedule 4 of this approval and be prepared in accordance with condition 1 of Schedule 4 of this approval. The OWMP must:
 - (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with the Water Group of the Department;
 - (c) detail any water licence requirements for the development;

- (d) contain a **Surface Water Management Plan**, including:
 - (i) a program to monitor:
 - surface water flows and quality;
 - surface water storage and use;
 - sediment basin operation;
 - (ii) sediment and erosion control plans;
 - (iii) surface water impact assessment criteria, including trigger levels for investigating and potential adverse surface water impacts;
 - (iv) a protocol for the investigation and mitigation of identified exceedances of the surface water impact assessment criteria; and
 - (e) contain a **Groundwater Management Plan**, including:
 - (i) baseline data on groundwater levels and quality;
 - (ii) a program to monitor groundwater levels and quality;
 - (iii) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and
 - (iv) a protocol for the investigation and mitigation of identified exceedances of the groundwater impact assessment criteria.
17. The Proponent must:
- (a) not commence operation until the OWMP required by condition 16 of Schedule 3 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the OWMP approved by the Planning Secretary for the duration of the development.

AIR QUALITY

Dust Minimisation

- 18. The Proponent must take all reasonable steps to minimise dust generated during all works authorised by this approval.
- 19. During construction, the Proponent must ensure that:
 - (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network; and
 - (d) land stabilisation works are carried out progressively on site to minimise exposed surfaces.
- 20. Prior to the commencement of operation of the MOD 3 development, the Proponent must install and operate water sprinklers and misting sprays in the waste processing and storage building.
- 21. Prior to the commencement of operation of the MOD 3 development, the Proponent must install and operate quick shut roller doors at each waste processing and storage building entrance/exit. The quick shut roller doors must be kept closed at all times except when vehicles egress or ingress the building.

Air Quality Discharges

- 22. The Proponent must install and operate equipment in line with accepted industry practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.

Air Quality Management Plan

- 23. Prior to the commencement of operation of the MOD 3 development, the Proponent must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the OEMP required by condition 5 of Schedule 4 of this approval and be prepared in accordance with condition 1 of Schedule 4 of this approval. The AQMP must:
 - (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) detail and rank all emissions from all sources of the development, including particulate emissions;

- (c) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
- (d) identify the control measures that will be implemented for each emission source; and
- (e) nominate the following for each of the proposed controls:
 - (i) key performance indicator;
 - (ii) monitoring method;
 - (iii) location, frequency and duration of monitoring;
 - (iv) record keeping;
 - (v) complaints register;
 - (vi) response procedures; and
 - (vii) compliance monitoring.

24. The Proponent must:

- (a) not commence operation until the AQMP required by condition 23 of Schedule 3 of this approval is approved by the Planning Secretary; and
- (b) implement the most recent version of the AQMP approved by the Planning Secretary for the duration of the development.

Odour Management

25. The Proponent must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

NOISE

Hours of Work

26. The Proponent must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

Table 1 Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
	Sunday and Public Holidays	Nil
Operation	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
	Sunday and Public Holidays	Nil

27. Works outside of the hours identified in condition 26 of Schedule 3 may be undertaken in the following circumstances:

- (a) works that are inaudible at the nearest sensitive receivers;
- (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

28. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed.

Operational Noise Limits

29. The Proponent must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

Table 2 Noise Limits

Location	Day (L _{Aeq} (15 minute))
Residence in Waldron Road (refer to Appendix 2)	47 dB(A)
Residences in Goodstate Street/ Orchard Road (refer to Appendix 2)	50 dB(A)
Any other affected residence (refer to Appendix 2)	50 dB(A)

Note: Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy (EPA, 1999) (as may be updated or replaced from time to time). Refer to the plan in Appendix 2 for the location of residential sensitive receivers.

Noise Walls

30. The Proponent must construct the noise walls shown in 191 Miller Road Chester Hill Ground Floor Plan (Drawing No arsk1200, Reversion 07) prepared by DEM (Aust) Pty Ltd dated 08/02/2019, prior to the commencement of operation of any part of the MOD 3 development.

Note: If construction of noise walls is to be staged, the Proponent must submit a noise verification study to the satisfaction of the Planning Secretary to demonstrate that the development will comply with the noise limits in condition 29 of Schedule 3 of this approval at all times.

VIBRATION

Vibration Criteria

31. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC 2006) (as may be updated or replaced from time to time).

HAZARDS AND RISK

Pre-Construction

32. At least one month prior to the commencement of construction of the MOD 3 development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Proponent must prepare and submit a Fire Safety Study (FSS). The FSS must:
- (a) be prepared by a suitably qualified and experienced expert;
 - (b) be prepared in consultation with and approved by Fire and Rescue NSW (FRNSW);
 - (c) cover the relevant aspects of the *Department's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the *New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems* (NSW HMPCC, 1994);
 - (d) include the types and maximum storage volumes of waste;
 - (e) include a 'worst credible fire' scenario assessment; and
 - (f) consider FRNSW's *Fire Safety in Waste Facilities* Guideline (2018).
33. Prior to commencement of construction, the Proponent must submit a copy of the approved FSS to the Planning Secretary.

Dangerous Goods

34. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
35. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
- (a) all relevant Australian Standards;
 - (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and

- (c) the Environment Protection Manual for *Authorised Officers: Bunding and Spill Management – technical bulletin* (EPA, 1997).
36. In the event of an inconsistency between the requirements 35 (a) to (c), the most stringent requirement must prevail to the extent of the inconsistency.

WASTE MANAGEMENT

Statutory Requirements

37. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
38. The Proponent must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.
39. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal, except as expressly permitted by an EPL.
40. The Proponent must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

Legacy Waste

41. Prior to commencement of construction of the MOD 3 development, the Proponent must:
- (a) comply with Prevention Notice No 1557793 issued to Builders Recycling Operations Pty Ltd by the EPA dated 20 October 2017;
 - (b) provide the EPA a written report outlining how the Prevention Notice has been complied with; and
 - (c) dispose of all legacy waste to the satisfaction of the EPA and return the site to an agreed landform.

Waste Receipt, Storage and Processing

42. The Proponent must only receive waste on site that is authorised for receipt by an EPL. No putrescible waste may be received, stored or processed on site.
43. The Proponent must ensure any waste generated on site during construction is classified in accordance with the EPA's *Waste Classification Guidelines 2014* or its latest version and disposed of to a facility that can lawfully accept the waste.
44. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
45. All waste processing, including truck loading and unloading, storage and materials handling activities must be undertaken in the waste processing and storage building and only within the area designated for these activities, as described in the MOD 3 EA and MOD 3 RiS.
46. The Proponent must provide details of the allocated truck type and source of waste received on the site to the EPA and the Planning Secretary when requested.
47. No crushing, shredding or grinding works are permitted on site at any time.

Pests, Vermin and Noxious Weed Management

48. The Proponent must:
- (a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and
 - (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.

Construction and Demolition Waste Management

49. Prior to the commencement of construction of the MOD 3 development, the Proponent must prepare a Construction and Demolition Waste Management Plan (CDWMP) for the development to the satisfaction of the Planning Secretary. The CDWMP must form part of a CEMP required by condition 2 of Schedule 4 of this approval and be prepared in accordance with condition 1 of Schedule 4 of this approval. The CDWMP must:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (b) be implemented for the duration of construction works.

50. The Proponent must:
- (a) not commence construction until the CDWMP is approved by the Planning Secretary; and
 - (b) implement the most recent version of CDWMP approved by the Planning Secretary.

Operational Waste Management Plan

51. Prior to the commencement of operation of the MOD 3 development, the Proponent must prepare an Operational Waste Management Plan (OWMP) for the development to the satisfaction of the Planning Secretary. The OWMP must form part of the OEMP required by condition 5 of Schedule 4 of this approval and be prepared in accordance with condition 1 of Schedule 4 of this approval. The OWMP must:
- (a) detail the type and quantity of waste to be generated during construction and operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009); and
 - (c) detail the materials to be reused or recycled, either on or off site.
52. The Proponent must:
- (a) not commence operation until the OWMP is approved by the Planning Secretary; and
 - (b) implement the most recent version of the OWMP approved by the Planning Secretary.

Waste Monitoring Program

53. From the commencement of operation of the MOD 3 development, the Proponent must implement a Waste Monitoring Program for the development. The program must:
- (a) be prepared by a suitably qualified and experienced person(s) prior to the commencement of operation;
 - (b) include suitable provision to monitor the:
 - (i) quantity, type and source of waste received on site; and
 - (ii) quantity, type and quality of the outputs produced on site; and
 - (c) ensure that:
 - (i) all waste that is controlled under a tracking system has the appropriate documentation prior to acceptance at the site; and
 - (ii) staff receive adequate training in order to be able to recognise and handle any hazardous or other prohibited waste including asbestos.

CONTAMINATION

Contamination Management Plan

54. Prior to the commencement of construction of the MOD 3 development, the Proponent must prepare a Contamination Management Plan (CMP) for the development to the satisfaction of the EPA and the Planning Secretary. The CMP must form part of the CEMP required by condition 2 of Schedule 4 and the OEMP required by condition 5 of Schedule 4 of this approval. The CMP must include:
- (a) Unexpected Finds Procedure (see condition 57 of Schedule 3); and
 - (b) Asbestos Management Procedure (see condition 58 of Schedule 3).
55. The CMP must:
- (a) be prepared by a certified consultant consistent with the EPA's Contaminated Land Consultant Certification Policy;
 - (b) be prepared in consultation with the EPA;
 - (c) establish best practice procedures for the identification and management of contaminated soil and water;
 - (d) include a consolidated map identifying existing areas of known contaminants that require avoiding or additional mitigation measures particularly during construction and establishment of landscaping; and
 - (e) provide a pre-construction testing report to determine the design of the proposed waste storage and processing building and its structural supports.

56. The CMP must be submitted to the EPA and the Planning Secretary accompanied by a Section B Site Audit Statement (SAS) on the adequacy and appropriateness of the CMP required by condition 54 of Schedule 3 of this approval.

The SAS must be prepared by an EPA accredited site auditor and take into consideration of the potential for contamination from historical and most recent land uses, including land uses since the issue of Site Audit Statement prepared by CH2M Hill (30 August 2002) and Site Audit Report prepared by CH2M Hill (August 2002).

Unexpected Finds Procedure

57. Prior to the commencement of legacy stockpiles removal, the Proponent must prepare an Unexpected Finds Procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CMP in accordance with condition 52 of Schedule 3 of this approval and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

Asbestos Management Procedure

58. Prior to the commencement of legacy stockpiles removal, the Proponent must prepare an Asbestos Management Procedure. The procedure must form part of the CMP in accordance with condition 54 of Schedule 3 of this approval and must ensure that any asbestos encountered during the remediation and construction works is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:

- (a) *Work Health and Safety Regulation 2017*;
- (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
- (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
- (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

VISUAL AMENITY

Landscaping

59. Prior to the commencement of operation of the MOD 3 development, the Proponent must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must form part of an OEMP in accordance with conditions 5 of Schedule 4 of this approval. The plan must:
- (a) detail the species to be planted on-site; and
 - (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works.
60. The Proponent must:
- (a) not commence operation until the Landscape Management Plan is approved by the Planning Secretary;
 - (b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
 - (c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition 53 of Schedule 3 for the life of the development.

Lighting

61. The Proponent must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.
16. Insert new Condition 37 immediately after Condition 36 as follows:
37. The Applicant must store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*.

In Schedule 4: Environmental Management and Monitoring

17. Delete Schedule 4 Environmental Management and Monitoring and replace with the following:

SCHEDULE 4

ENVIRONMENTAL MANAGEMENT AND MONITORING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

1. Management plans required under this approval must be prepared in accordance with relevant guidelines, and include:
 - (a) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (c) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (f) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (g) a protocol for periodic review of the plan.

Note: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*

Construction Environmental Management Plan

2. The Proponent must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition 1 of Schedule 4 of this approval and to the satisfaction of the Planning Secretary.
3. As part of the CEMP required under Condition 2 of Schedule 4 of this approval, the Proponent must include the following:
 - (a) Construction Traffic Management Plan (see condition 1 of Schedule 3);
 - (b) Erosion and Sediment Control Plan;
 - (c) Construction and Demolition Waste Management Plan (see condition 49 of Schedule 3);
 - (d) Contamination Management Plan (see condition 54 of Schedule 3); and
 - (e) Community Consultation and Complaints Handling.
4. The Proponent must:
 - (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

Operational Environmental Management Plan

5. The Proponent must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition 1 of Schedule 4 of this approval and to the satisfaction of the Planning Secretary.
6. As part of the OEMP required under Condition 5 of Schedule 4 of this approval, the Proponent must include the following:
 - (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (c) include the following environmental management plans:
 - (i) Operational Traffic Management Plan (see condition 3 of Schedule 3);
 - (ii) Operational Water Management Plan (see condition 16 of Schedule 3);
 - (iii) Air Quality Management Plan (see condition 23 of Schedule 3);
 - (iv) Operational Waste Management Plan (see condition 51 of Schedule 3); and
 - (v) Landscape Management Plan (see condition 59 of Schedule 3).
7. The Proponent must:
 - (a) not commence operation until the OEMP is approved by the Planning Secretary; and
 - (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

Revision of Strategies Plans and Programs

8. Within three months of:
 - (a) the submission of a Compliance Report under condition 14 of Schedule 4;
 - (b) the submission of an incident report under condition 9 of Schedule 4;
 - (c) the submission of an Independent Audit under condition 17 of Schedule 4;
 - (d) the approval of any modification of the conditions of this approval; or
 - (e) the issue of a direction of the Planning Secretary under condition 2(b) of Schedule 2 which requires a review,

the strategies, plans and programs required under this approval must be reviewed, and the Department must be notified in writing that a review is being carried out.

If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

REPORTING AND AUDITING

Incident Notification, Reporting and Response

9. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Proponent becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

10. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Proponent becomes aware of any non-compliance.
11. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

13. No later than 6 weeks before the date notified for the commencement of operation, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.
14. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
15. The Proponent must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

Independent Audit

16. No later than 4 weeks before the date notified for the commencement of operation, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.
17. Independent Audits of the development must be carried out in accordance with:
 - (a) the Independent Audit Program submitted to the Department under condition 16 of Schedule 4 of this approval; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
18. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Proponent must:
 - (a) review and respond to each Independent Audit Report prepared under condition 17 of Schedule 4 of this approval;
 - (b) submit the response to the Department; and
 - (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

Monitoring and Environmental Audits

19. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

ACCESS TO INFORMATION

20. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Proponent must:
 - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) all current statutory approvals for the development;
 - (ii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iii) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;

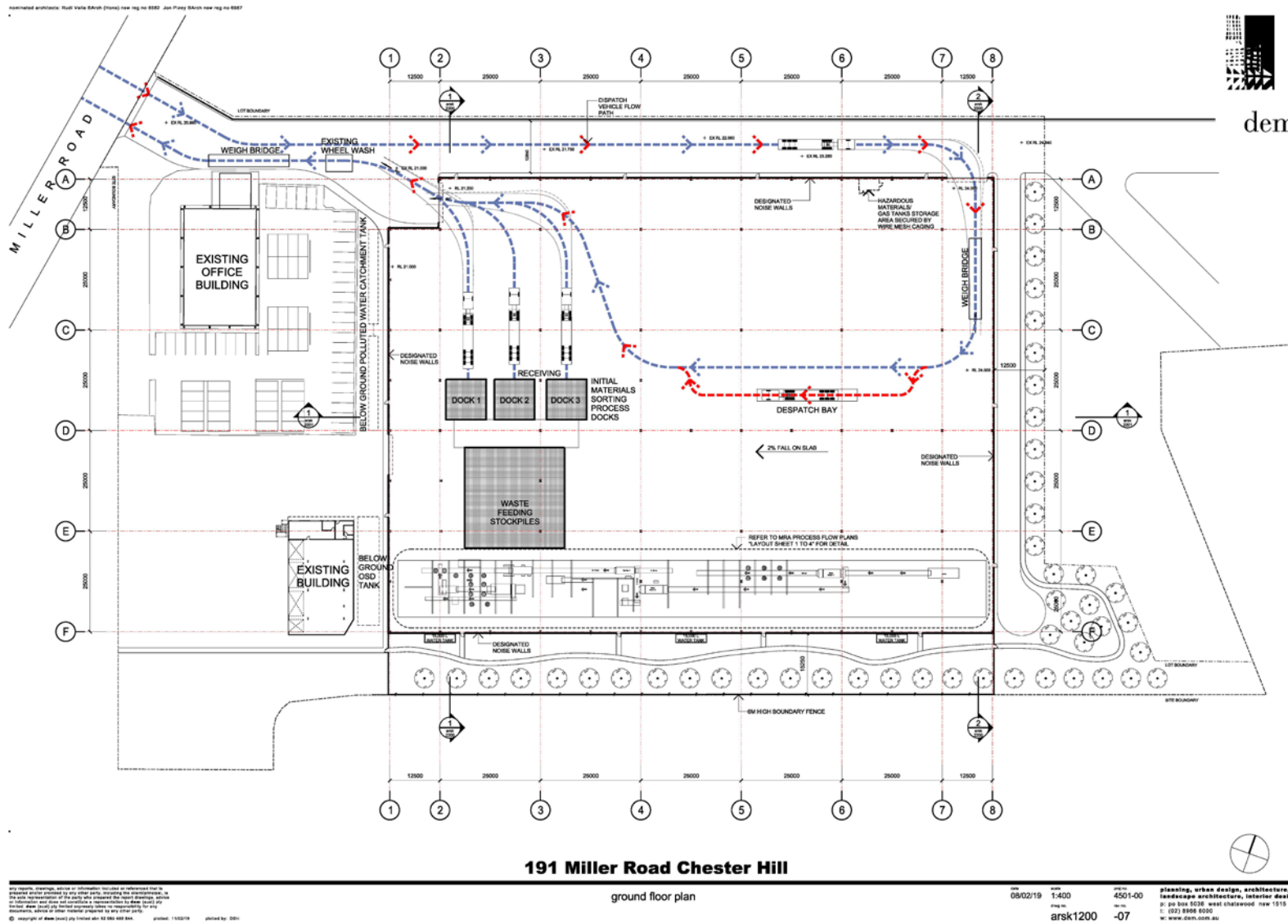
- (iv) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (v) a summary of the current stage and progress of the development;
 - (vi) contact details to enquire about the development or to make a complaint;
 - (vii) a complaints register, updated monthly;
 - (viii) the Compliance Report of the development;
 - (ix) audit reports prepared as part of any Independent Audit of the development and the Proponent's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

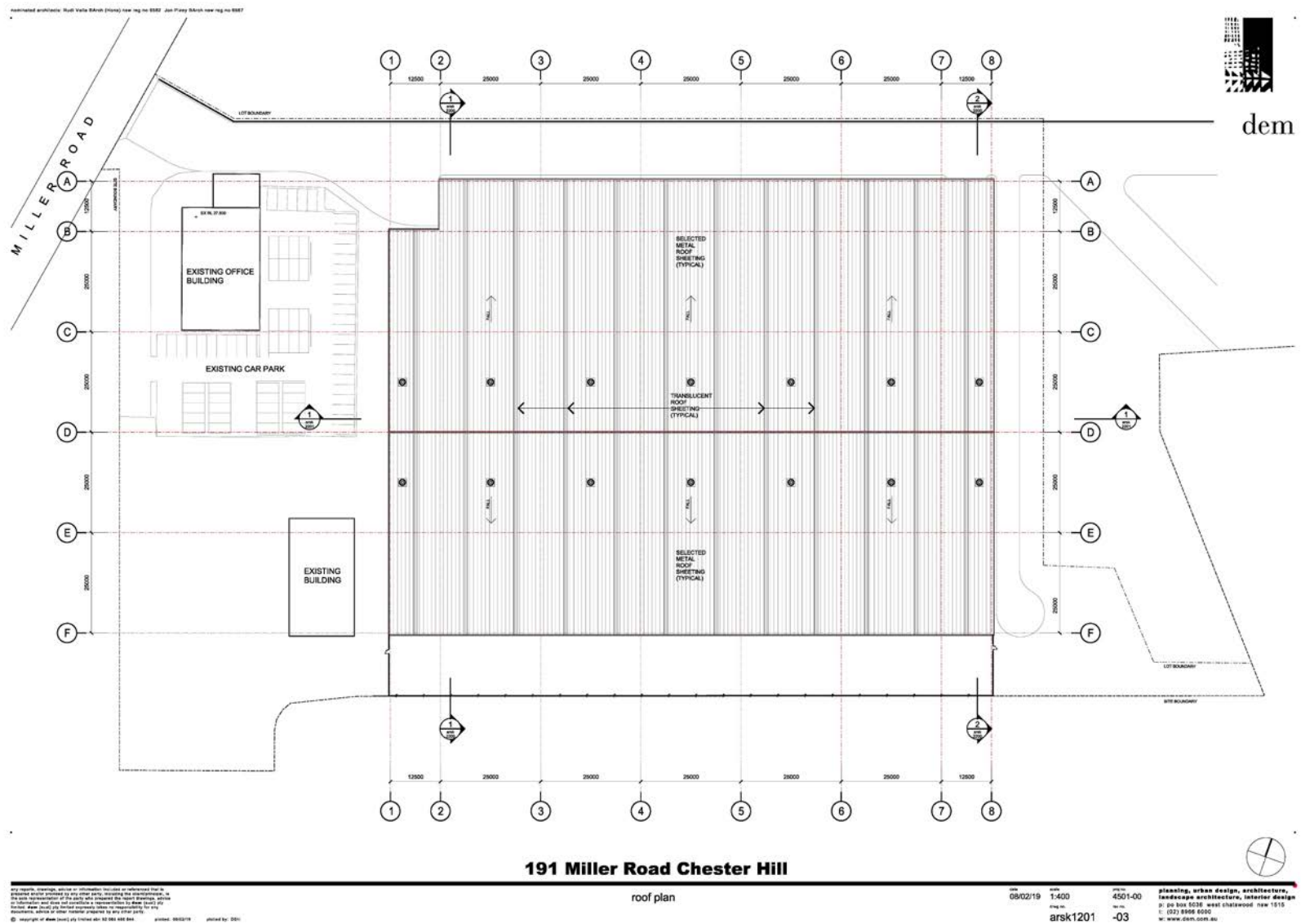
In Appendices

- 18. Insert new Appendix 1: Development Layout Plans as below.
- 19. Insert new Appendix 2: Locations of Sensitive Receivers as below.
- 20. Insert new Appendix 3: Incident Notification and Reporting Requirements as below.

APPENDIX 1: DEVELOPMENT LAYOUT PLANS

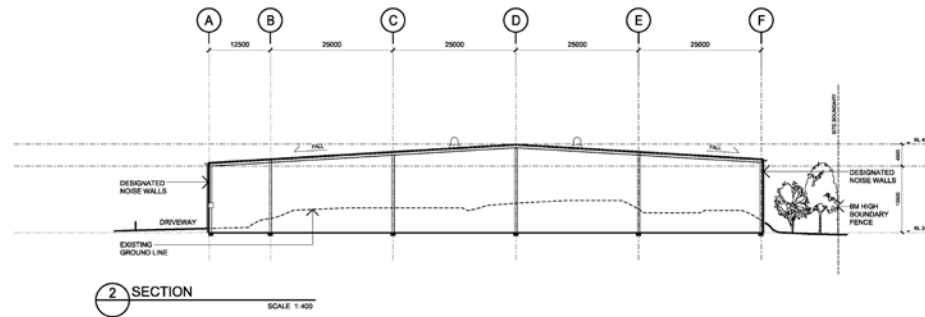
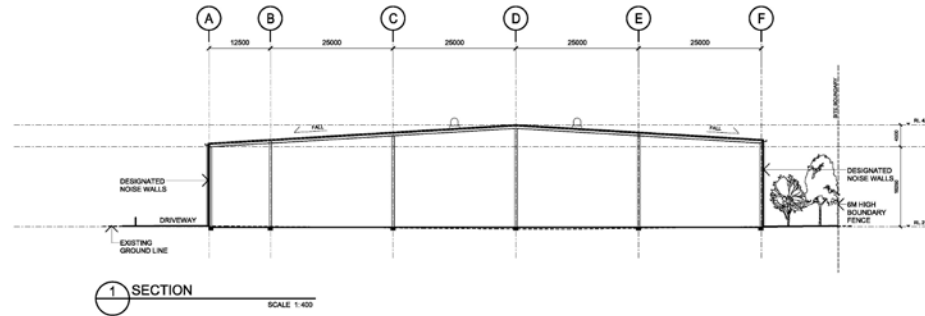








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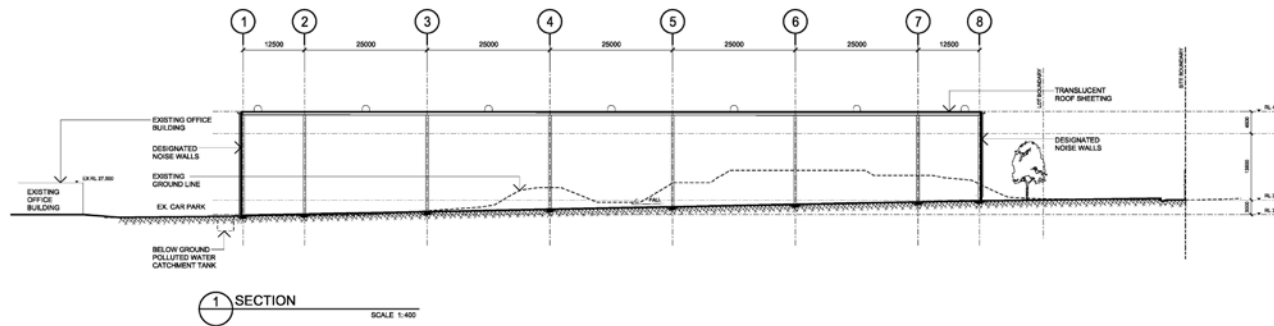
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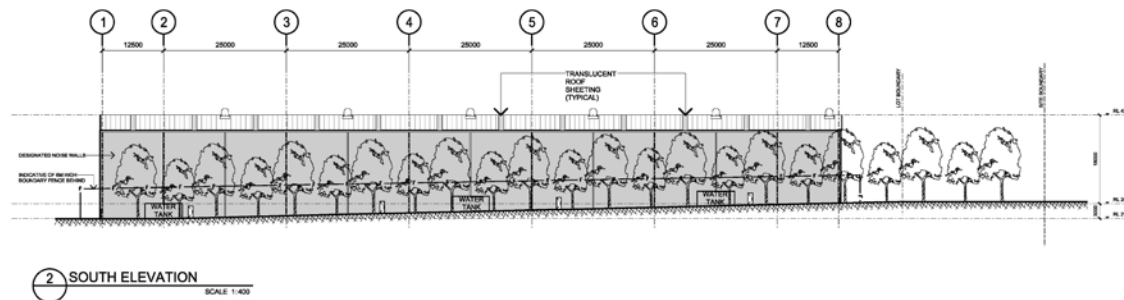
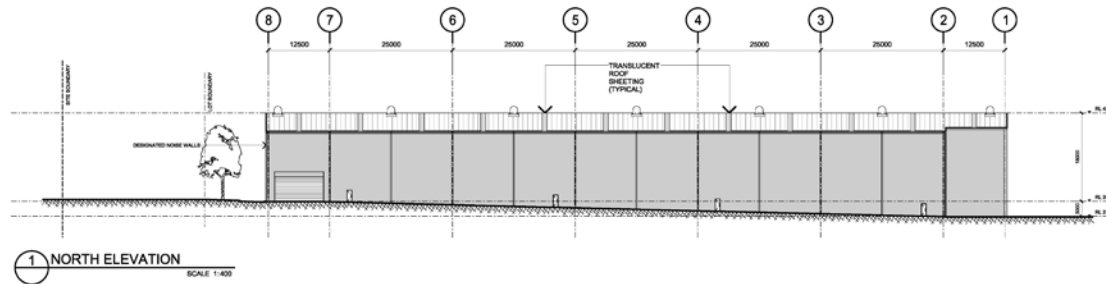
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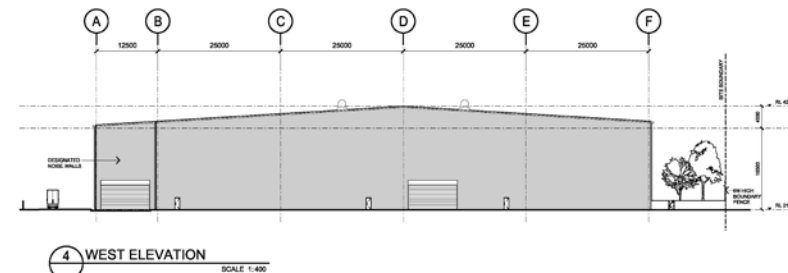
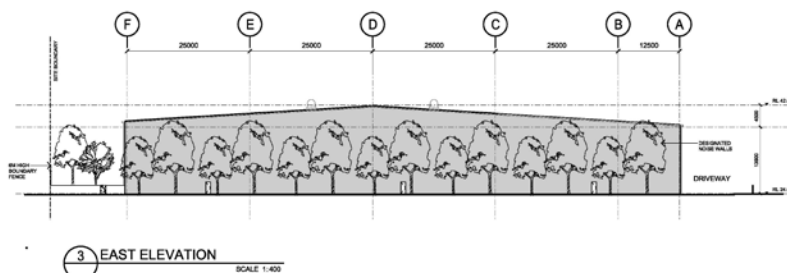
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APPENDIX 2: LOCATION OF SENSITIVE RECEIVERS



APPENDIX 3: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition 9 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the proponent became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.